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William L. Muckelroy
Registration No. 26,961

9200/3732 SN 09/712/081

DAE

T.H.
8-22-02
#8 / withdrawn
OF
ABAND

In re Patent Application
of Richard Thomas
Serial No. 09/712,081

U.S. PATENT AND TRADEMARK OFFICE
Examiner: Nick Lucchesi

For: Method for Creating a Denture : Art Unit: 3732
Using Laser Altimetry :
Priority Date: Nov. 15, 1999 :

The Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231

Request to Withdraw Holding of Abandonment Under 37 CFR 1.181

Sir:

This is in response to a Notice of Abandonment, Paper No. 7, mailed on July 16, 2002 advising that the above-captioned application was declared abandoned because of no response to a non-compliant amendment mailed on 2/7/02.

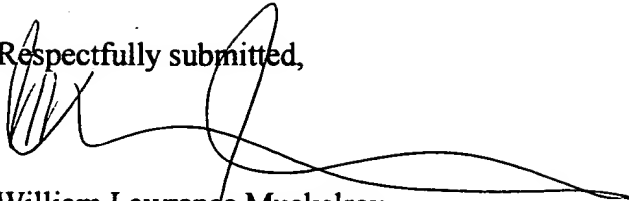
Attached hereto is a true copy of the notice received and applicant's response submitted for filing on February 7, 2002 and the filing being verified by a Certificate of Mailing. Accordingly, it is respectfully requested that the Notice of Abandonment be withdrawn.

Evidently there was a problem either with the handling of this matter by the U.S. Post Office or in the U.S. Patent Office mailroom. See attached letter from the U.S.



Patent Office regarding recent problems with the mail.

Respectfully submitted,


William Lawrence Muckelroy
Reg. No. 26,961
Attorney of Record for Applicant

Dated: July 19, 2002

Phone: 1-609-882-2111/ Fax: 1-609-883-3322

Enclosures: Request to Withdraw Holding of Abandonment Under 37 CFR 1.181;

Duplicate of Notice of Abandonment; Duplicate of Certificate of Mailing; Duplicate of Response to Notice of Non-Compliant Amendment – Requirement of Clean Version of Replacement Paragraphs/Sections with Copy of Notice; Duplicate of Notice of Non-Compliant Amendment; Duplicate of letter from U.S. Patent Office re: problems with mail.

cc: Richard Thomas

Enclosed: Current Certificate of Mailing



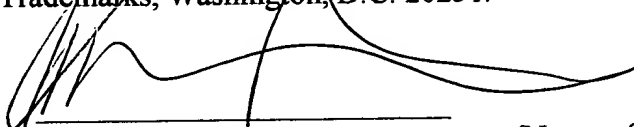
CERTIFICATE OF MAILING

Date of Deposit: July 23, 2002

I hereby certify that the following documents:

1. Transmittal letter for request to Withdraw Holding of Abandonment Under 37 CFR 1.181
2. Duplicate of Notice of Abandonment
3. Duplicate of Certificate of Mailing
4. Duplicate of Response to Notice of Non-Compliant Amendment— Requirement of Clean Version of Replacement Paragraphs/Sections with Copy of Notice
5. Duplicate of Notice of Non-Compliant Amendment
6. Duplicate of letter from U.S. Patent Office re: problems with mail.

are being deposited in a single envelope with the United States Postal Service on the date indicated above and such envelope is addressed to the Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231.



William L. Muckelroy
Registration No. 26,961

(Name of person mailing documents)

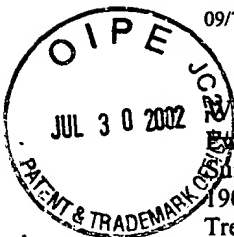


UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 19 2002

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
- Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,081	11/14/2000	Richard J. Thomas	2101/11/99	9052



7590 07/16/2002
William L Muckelroy Esq P C
Ewing Professional Building
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Trenton, NJ 08618

EXAMINER

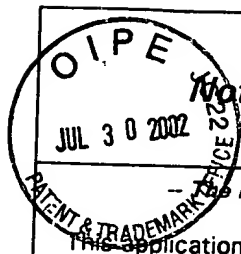
LUCCHESI, NICHOLAS D

ART UNIT PAPER NUMBER

3732

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/712,081

Applicant(s)

Thomas

Examiner

Nick Lucchesi

Art Unit

3732



MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

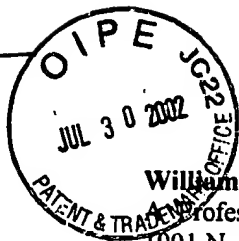
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

A notice of non-compliant amendment was mailed on 2/7/02. No response to this notice has been received.

NOTED & RECORDED
PRIMARY EXAMINER
GROUP 3500

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



SN 09/712,081

FILE

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(609) 882-2111
William L. Muckelroy
Registration No. 26,961

In re Patent Application
of Richard Thomas
Serial No. 09/712,081

: U.S. PATENT AND TRADEMARK OFFICE
: Examiner: Nick Lucchesi

For: Method for Creating a Denture Using : Art Unit: 3732
Laser Altimetry
Priority Date: Nov. 15, 1999

The Honorable Commissioner of Patents and Trademarks
Washington, D. C. 20231

Response to Notice of Non-Compliant Amendment

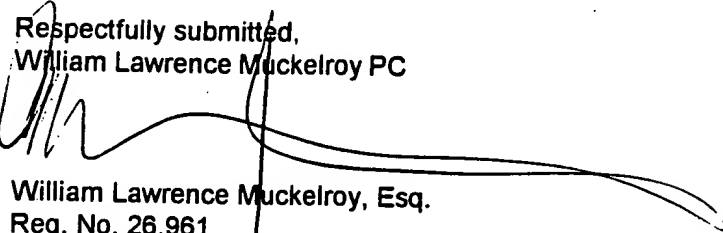
Sir:

This is a plenary response to the outstanding Office Action, paper no. ___, dated February 1, 2002, captioned "Notice of Non-Compliant Amendment (37 CFR 1.121)" requesting submission of a clean version of the replacement paragraphs/sections. Accordingly, attached hereto is a duplicate or clean version of the replacements, namely, the amendments to the claims in 14 point type. It is assumed that this satisfies the requirement of the office.

**REMARKS**

If this response is not what was expected, it is respectfully solicited that the Examiner or the USPTO contact the firm by phone at (609) 882-2111 in an attempt to clarify exactly what it is that the Office requires.

Respectfully submitted,
William Lawrence Muckelroy PC


William Lawrence Muckelroy, Esq.
Reg. No. 26,961
Attorney of Record for Applicant

Dated: February 7, 2002

Phone: 1-609-882-2111/ Fax 1-609-883-3322

Enclosures: Certificate of Mailing; Response to Notice of Non-Compliant Amendment – Requirement of Clean Version of Replacement Paragraphs/Sections with Copy of Notice; Attachment – clean version

CERTIFICATE OF MAILING

I hereby certify that this Response to Notice of Non-Compliant Amendment – Requirement of Clean Version of Replacement Paragraphs/Sections with Copy of Notice; and Attachment are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to

"Assistant Commissioner for Patents, Washington, D.C. 20231" on February 7, 2002.

Typed or printed name of person signing this certificate: Irene Christine

Signature: Irene Christine

IN THE CLAIMS

Please amend claims 1, 6, and 7 as follows:

Claim 1 (amended). In a method of making a denture from digital information corresponding to an image of at least a part of a human oral cavity, said human oral cavity previously contained a plurality of natural teeth at a prior point in time, wherein the digital information is used to generate digital information for [rapid prototyping] manufacturing of the denture, the improvement comprising:

- (a) Said manufacturing comprising an initial step of scanning and storing a first digital image of said human oral cavity at a first point in time when the oral cavity contains a plurality of natural teeth, said scanning at a first scanning site; and subsequently at another point forward in time;
- (b) said manufacturing further comprising a step of scanning and storing a second digital image of said human oral cavity when the oral cavity no longer contains one or more of said natural teeth at a second scanning site, and subsequently at another point in time and at a remote manufacturing site digitally connected to said second site, said manufacturing further comprising the step of rapid prototype manufacturing of a denture at the remote manufacturing site;
- (c) At said prior point in time, preparing and digitally storing a selectable digital image of at least one surface of an actual tooth from a scan of the actual tooth inside the human oral cavity to create a group of actual image digital data;
- (d) adding to the digital information, additional digital data selected from an archive of digital data selected from a group of digital data consisting of

artificial image digital data and actual image digital data, which additional digital data depicts a denture,

(e) last said denture being selected from the group consisting of a full upper denture and a full lower denture, said digital information and said additional digital data being based on image information in a form wherein all of said digital information and said additional data are combined and viewable as a computer generated composite image;

(f) [carrying out the rapid] using a plastic material for rapid model prototype manufacturing of at least one full denture using said digital information with the said additional digital data whereby the denture made substantially resembles the digital data viewable as the computer generated composite image; including using a computer system as a part of said adding to the digital information;

(g) constructing an actual denture using all of said digital information and said additional data combined at a remote rapid modeling facility adapted to receive and use said digital images to rapidly make a disposable denture;

(h) using an overnight delivery service system to deliver said constructed denture from said remote rapid modeling facility to a point of distribution accessible to the denture user; and,

(i) including processing at least said artificial image data used in producing said denture using a computer system.

Claim 6 (amended). [In a] A method of making a disposable denture made of plastic usable in rapid model prototype manufacturing from digital information corresponding to a part of a human oral cavity wherein the digital information is used to generate information for rapid prototyping of the denture, the [improvement] method further comprising:

- (a) adding to the digital information, additional digital data selected from archive of digital data, which additional data depicts both an upper and a lower denture and which digital information and said additional digital information is based on image information in a form wherein all of said digital data are viewable as a computer generated composite image;
- (b) [carrying out the rapid] rapid model prototype manufacturing of said dentures using said digital information with the added data to make a matching set of upper and lower dentures wherein the matching set of upper and lower dentures made substantially resembles the digital data viewable as the computer generated composite image; and
- (c) further including as part of said step of adding to the digital information, the step of processing at least said artificial image data used in producing said dentures using a CAD programmed computer system wherein a style comprising of shape, color, size, and texture is selected.

Claim 7 (amended). [In a] A method of making a disposable denture made of plastic usable in rapid model prototype manufacturing from digital information corresponding to a part of a human oral cavity wherein the

digital information is used to generate information for rapid prototyping of the denture, [the improvement] the method further comprising:

- (a) Adding additional digital data to the digital information, said additional digital data being selected from an archive of digital data, which additional data depicts an upper and a lower denture, said additional digital data being derived from image information acquired by a laser topological image scan of the human oral cavity without teeth therein;
- (b) [carrying out the additional step of rapid] rapid model prototype manufacturing of said dentures using said digital information with the added digital data to make a matching set of upper and lower disposable plastic dentures wherein the non- juxtaposing surfaces of said matching set of upper and lower dentures substantially resembles digital data stored from a laser topological scan image of the human oral cavity for teeth previously therein.



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 06 2002 **FILE**

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,081	11/14/2000	Richard J. Thomas	2101/11/99	9052

7590 02/01/2002

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1901 N Olden Avenue
Trenton, NJ 08618

EXAMINER

LUCCHESI, NICHOLAS D

ART UNIT PAPER NUMBER

3732

DATE MAILED: 02/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DUPLICATE



FEB 06 2002

DUPLICATE

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77 Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

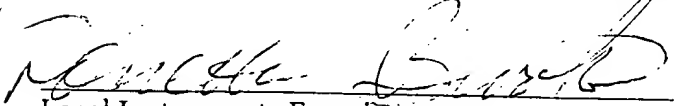
- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☐ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: _____

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☐ **PRELIMINARY AMENDMENT:** Unless applicant **supplies the omission or correction** to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to **supply the omission or correction noted above** in order to **avoid abandonment**. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Legal Instruments Examiner (LIE)



**Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01**

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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From: Eleanor.Kurtz@USPTO.GOV [Add to Address Book](#) [Add this Address to my Block List](#)
Subject: Mail
Date: Jun 5 2002 4:12p
To: <patent.lawyers@prodigy.net>

Mr. Lawrence Muckelroy

Sir; this is in answer to your letter of May 9, 2002, where you ask about the illegible mail. Since the attack on mail centers around the country, our mail goes out to be sanitized. Many pieces of mail have been ruined by this process.

We ourselves have had to take the anthrax antibiotics and for a long time wore rubber gloves and masks to open all the mail. Our mail gets sent out to be sanitized and unfortunately not all the mail makes it through the process. As time goes by the process has improved and we are getting less and less mail that we have to return.

I apologize for the inconvenience and hope all your mail goes through from now on. We do not have an alternate address, because all the mail goes through the process before it comes to us.

If you have any questions, I can be reached at 703-308-3642

Sincerely,

Eleanor F Kurtz
Office of Initial Patent Examination

Reply Reply All Forward Delete Move Message to: **Inbox** Move